

FILED
JUN 26 2015

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

GAYLE PARKER
CIRCUIT CLERK
By [Signature] D.

**JAMES S. OLIN; JOHN G. MCNEIL; AND
JOHN A. MCNEIL, JR.**

PLAINTIFFS

VS.

CAUSE NO. A3402-15-97

**LUTHER, COLLIER, HODGES & CASH, LLP;
LUCIAN HODGES; SAM GAILLARD LADD, JR.;
AND JOHN DOES 1-10**

DEFENDANTS

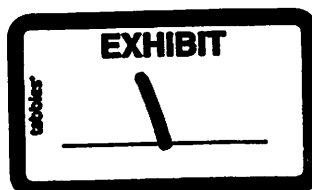
COMPLAINT

COME NOW Plaintiffs, JAMES S. OLIN; JOHN G. MCNEIL; AND JOHN A. MCNEIL, JR., through undersigned counsel, and in support of their Complaint would state as follows:

PARTIES

1. Plaintiff James S. Olin is an adult resident of Tennessee. Plaintiff John G. McNeil is an adult resident of Florida. Plaintiff John A. McNeil, Jr., is an adult resident of Alabama. All Plaintiffs may be served with process through undersigned counsel.
2. Defendant Luther, Collier, Hodges & Cash, LLP, is a law firm organized and based in Alabama, with offices in Alabama, Florida and Mississippi. This Defendant may be served with process through its agent for service, Vcorp Agent Services, Inc., 6917 Wrenwood Dr., Horn Lake, MS 38637; or wherever it may be found.
3. Defendant Lucian Hodges is an adult resident of Alabama, who can be served at 401 Church St., Mobile, AL 36602-2300, or wherever he may be found. Mr. Hodges is licensed to practice law in Mississippi.
4. Sam Gaillard Ladd, Jr., is an adult resident of Alabama, who can be served at 63 South

Page 1 of 5



Royal Street, 13th Floor Riverview Plaza, Mobile, Alabama 36602, or wherever he may be found. Mr. Ladd is licensed to practice law in Mississippi.

5. Defendants John Does 1-10 are individuals or entities, whose identities are not currently known, but whose actions or inactions may have contributed to the Plaintiffs' injuries.

When the identities are determined, the pleadings will be amended.

6. This is a lawsuit for damages based on professional negligence. The causes of action occurred or accrued in Harrison County, Mississippi, Second Judicial District.
7. This Court has jurisdiction of the subject matter and parties, and venue is proper.

FACTS

8. Defendants Luther, Collier, Hodges & Cash LLP; Lucian Hodges; and Sam Gaillard Ladd, Jr., (collectively, "the Defendants"), were attorneys representing the Plaintiffs and their company, Sterling Development Company, LLC, against claims contained in a lawsuit styled *BancorpSouth Bank v. Sterling Dev. Co., LLC, et al.*, Harrison County Circuit Court, 2nd Jud. Dist., Cause No. A2402-11-57.
9. In the underlying litigation, the Defendants were retained by Sterling Development Company, LLC, and its members/guarantors, the Plaintiffs, to defend against claims asserted by BancorpSouth Bank. Specifically, the bank sought \$1.4 million in arrearage, plus interest, costs and fees, related to commercial loans made to Splash-Biloxi, LLC, and personally guaranteed by the Plaintiffs, individually.
10. Lucian Hodges previously had represented one or more of the Plaintiffs and their business interests, and he was contacted by Plaintiffs after the BancorpSouth lawsuit was received.
11. Hodges agreed to defend the Plaintiffs, and assigned or associated Sam Gaillard Ladd, Jr.,

to work on the file.

12. An application for entry of default was filed by BancorpSouth prior to the Defendants filing an answer.
13. Subsequently, the Defendants failed to respond to a motion for default judgment filed by BancorpSouth.
14. Defendants then missed a default judgment hearing held before Hon. Lisa Dodson on Sept. 21, 2012.
15. At the conclusion of that hearing, a \$1.9 million judgment was rendered against the Plaintiffs, jointly and severally. See Exhibit "A," to this Complaint.
16. The judgment included: \$1,094,900.27 for unpaid loan principal; \$387,870.29 for pre-judgment interest; \$489,446.28 for attorney fees; plus late fees, post-judgment interest and court costs.
17. The judgment then was placed on the public judgment roll. See Exhibit "B," to this Complaint.

COUNT I: PROFESSIONAL NEGLIGENCE

18. The averments contained in the preceding paragraphs are cited and incorporated as if fully restated in this paragraph.
19. At all relevant times, an attorney-client relationship existed between the Plaintiffs and the Defendants.
20. The Defendants owed each Plaintiff the duties of care, loyalty, fidelity and all other duties contained in the attorney-client relationship. This relationship was in the form of a contract. These duties, and each of them, were fiduciary in nature.

21. The Defendant attorneys held themselves out to Plaintiffs as experienced litigators, possessing the level of expertise consistent with the circumstances of the case.
22. The Plaintiffs were entitled to rely on the attorneys to possess such expertise, and to take all proper steps to protect and defend the Plaintiffs in the subject litigation.
23. By failing to timely answer the lawsuit, failing to respond to the request for default, and failing to attend the default judgment hearing, the Defendants breached the duties owed to the Plaintiffs, and breached the contract between them.
24. These actions constituted negligence as a matter of law.
25. The Defendants' negligence directly or proximately caused entry of the \$1.9 million judgment against the Defendants, Exs. "A," "B."
26. The Plaintiffs, and each of them, have incurred other damages, including without limitation, attorney fees and other costs, the amounts and types of which will be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, James S. Olin; John G. McNeil; and John A. Mcneil, Jr., and each of them individually, request this Court to hold the Defendants, and each of them individually, liable for negligence, and to award Plaintiffs compensatory damages, attorney fees and costs. Plaintiffs also request general relief as may be just and proper.

Respectfully Submitted;

JAMES S. OLIN; JOHN G. MCNEIL; AND JOHN A. MCNEIL, JR.,
Plaintiffs

By: JOHNSON LAW PRACTICE, PLLC

s/R. Hayes Johnson, Jr.

R. Hayes Johnson , Jr. (MSB #10697)
Johnson Law Practice, PLLC
1902 21ST Ave., Gulfport, MS 39501
P. O. Box 717, Long Beach, MS 39560
228.868.5499-o; 888.647.3665-f
Email: rhayesj@gmail.com

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

BANCORPSOUTH BANK

PLAINTIFF

VERSUS

CAUSE NO. A2402-11-57

**STERLING DEVELOPMENT COMPANY, LLC,
DAVAGE J. RUNNELS, JOHN A. MCNEIL, JR.,
JAMES S. OLIN AND JOHN G. MCNEIL**

DEFENDANTS

ORDER

This Cause came on to be heard on BancorpSouth Bank's Motion for Default Judgment against Davage J. Runnels, John A. McNeil Jr., James S. Olin, and John G. McNeil (hereinafter collectively "Defendants") pursuant to Rule 55(b) of the Mississippi Rules of Civil Procedure, and the Court having found that the Defendants have been each duly served with the Summons and Complaint; none of these Defendants are infants or unrepresented incompetent persons. The Court finds that the Clerk of the Court entered default against Defendants on May 22, 2012 and Defendants have not sought to have such entry of default set aside in accordance with Mississippi Rule of Civil Procedure 55(c). The Court finds that the Plaintiff, BancorpSouth Bank, is entitled to a default judgment against Defendants, Davage J. Runnels, John A. McNeil Jr., James S. Olin, and John G. McNeil. *As more fully set forth in the record.* It is, therefore,

ORDERED AND ADJUDGED that judgment is hereby entered in favor of Plaintiff and against Defendants Davage J. Runnels, John A. McNeil Jr., James S. Olin, and John G. McNeil, jointly and severally, in the principal sum of \$1,094,900.27, for prejudgment interest in the amount of \$387,870.29, for post judgment interest at the contract rate of 5.25% per annum, for a



late fee in the amount of \$400.00, for attorney's fees in the amount of \$489,446.28, and for court costs, for all of which let execution issue.

ORDERED this the 2nd day of September, 2012.


CIRCUIT COURT JUDGE

Document prepared by:

Michael E. Whitehead, MSB #8891
**PAGE, MANNINO, PERESICH &
McDERMOTT, P.L.L.C.**
759 Vieux Marche Mall (39530)
P.O. Drawer 289
Biloxi, Mississippi 39533
Telephone: 228.374.2100
Facsimile: 228.374.3838

FILED
SEP 21 2012

GAYLE PARKER
CIRCUIT CLERK
BY:  D.C.


RECEIVED
JMF

CIVIL CASE DISPOSITION REPORT

IN THE CIRCUIT COURT OF Harrison COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

Docket No. 2011 - 57 242 CI Docket No. If Filed
 File Yr. Chronological No. Clerk's Local ID Prior to 1/1/94

*Date this action was filed 03/23/2011
 Month/Day/Year

*If dispositive of the original action that created this case, enter that date,
 OR If this disposes of debt collection, modification, contempt, or other issues
 addressed after the original filing, enter the date it was re-opened.

Dispositive of all Parties? Yes X No, only the following Party(ies) Davage J. Runnels, John A. McNeil, Jr., James S. Olin, &
 (An attachment may be used
 if there are numerous parties) John G. McNeil

No, only the following Attorney(s)

Name Bar No.

Name Bar No.

Enter Ruling Judge Bar No. 6140

Date of Disposition 09 / 21 / 2012
 Month Day Year

Action: X Ruling on Motion Ex Parte Temporary Hearing
Contempt/Modification Settlement Conference Pre-Trial Conference
Case Administration Discovery other than Motion Bench Trial
Jury Trial Mediation Ordered

Damages Awarded: Compensatory: \$ Punitive: \$

(List Amount or Range Letter):

Range A = 1¢-\$500 Range B = \$501-1,000 Range C = \$1,001-10,000 Range D = \$10,001-50,000 Range E = \$50,001-100,000
 Range F = \$100,000-500,000 Range G = \$500,000-1,000,000 Range H = \$1,000,000+ Range I = -0-

Method of Disposition:

X Default Judgment Final Judgment/Decree Bankruptcy Discharged
Summary Judgment Judgment by Stipulation Estate Closed
Dismissed without Prejudice Agreed Judgment Fiduciary Appointed
Dismissed with Prejudice Original Judgment Modified Guardian/Conservatorship Appointed
Dismissed, Lack of Prosec. Vacating Previous Ruling Protective Order (Check if Domestic Violence)
Dismissed by Agreement New Trial Granted Commitment
Change of Venue Foreign Judgment Closed Garnishment Issued
Transferred Satisfaction of Judgment Garnishment Abeyance Order Issued
Removed to Fed. Court Drivers License Reins./Hard. Garnishment Canceled: Bankruptcy
Writ Issued Canceled Letters Rogatory
Affirmed on Appeal Order of Mediation Case Consolidation
Not Entered Yet Termination of Parental Rights Other(list)

Was Child Support ordered in the disposition of the current matter? Yes X No

If "Yes" was checked, make sure that Child Support Information Sheet was completed and submitted with the Civil Case Filing Form.

Case: 24CI2:15-cv-00097 Document #: 1-2 Filed: 06/26/2015 Page 3 of 3

Currently it's 64.3°F and winds are from the W @ 7.0 mph



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Plaintiff(s)

Name: BANCORPSOUTH BANK

Address: P O BOX 70 BILOXI MS

Satisfied: N

Satisfied Date: 0/0/0000

Remarks: SEE ORDER FOR FEES

VERSUS

Defendant(s)

Name: OLIN, JAMES S

Address: 504 LAKE VALLEY COURT FRANKLIN TN

Satisfied: N

Satisfied Date: 0/0/0000

Remarks: SEE ORDER FOR FEES



Harrison County Judicial 1
1801 23rd Ave
Gulfport, MS 39501

Harrison County Judicial 2
730 Dr. Martin Luther King, Jr. Blvd
Biloxi, MS 39530



File Number

990700

Case Number

A24021100057

Court of Origin

Circuit Court

Book/Page

Book: 0 Page: 0

Enrollment Date/Time

9/24/2012

Ren/Non Date

9/21/2012

Judgment Amounts

\$1,094,900.27

\$126.00

\$0.00

\$0.00

\$0.00

\$1,095,026.27

Total Judgment

Renewed (Y/N)?

N

Renewal Date

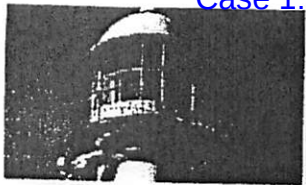
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Plaintiff(s)

Name: BANCORPSOUTH BANK

Address: P O BOX 70 BILOXI MS

Satisfied: N

Satisfied Date: 0/0/0000

Remarks: SEE ORDER FOR FEES/PARTIAL RELEASE OF JUDGMENT AS TO JAMES OLIN ONLY

VERSUS

Defendant(s)

Name: MCNEIL, JOHN G

Address: 211 MATTIES WAY DESTIN FL

Satisfied: N

Satisfied Date: 0/0/0000

Remarks: SEE ORDER FOR FEES/PARTIAL RELEASE OF JUDGMENT AS TO JAMES OLIN ONLY

File Number

990703

Case Number

A24021100057

Court of Origin

Circuit Court

Book/Page

Book: 0 Page: 0

Enrollment Date/Time

9/25/2012

Rendition Date

9/21/2012

Judgment Amounts

\$1,094,900.27

\$126.00

\$0.00

\$0.00

\$0.00

\$1,095,026.27 Total Judgement

Renewed (Y/N)?

N

Renewal Date

0/0/0000

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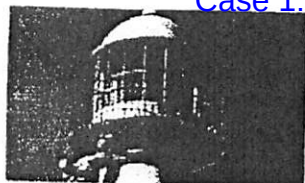
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Biloxi, MS 39560

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Biloxi, MS 39501

Harrison County Judicial 2
130 Dr. Martin Luther King, Jr. Blvd.
Biloxi, MS 39501

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Plaintiff(s)

Name: BANCORPSOUTH BANK

Address: P O BOX 70 BILOXI MS

Satisfied: N

Satisfied Date: 0/0/0000

Remarks: SEE ORDER FOR FEES/PARTIAL RELEASE OF JUDGMENT AS TO JAMES OLIN ONLY

VERSUS

Defendant(s)

Name: MCNEIL, JOHN A JR

Address: 4502 OLDE PLANTATION PLACE DESTIN FL

Satisfied: N

Satisfied Date: 0/0/0000

Remarks: SEE ORDERS FOR FEES/PARTIAL RELEASE OF JUDGMENT AS TO JAMES OLIN ONLY

File Number

390702

Case Number

A24021100057

Court of Origin

Circuit Court

Book/Page

Book: 0 Page: 0

Enrollment Date/Time

9/25/2012

Rendition Date

9/21/2012

Judgment Amounts

\$1,094,900.27

\$126.00

\$0.00

\$0.00

\$0.00

\$1,095,026.27 Total Judgement

Renewed (Y/N)?

N

Renewal Date

0/0/0000

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